

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2189 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

RANINGPARA GRAM PANCHAYAT

Versus

STATE OF GUJARAT

Appearance:

MR PJ KANABAR for Petitioners
MR SH SHELAT, ADDL. AG with MR AD OZA,
GOVERNMENT PLEADER for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of Judgment: 20/10/2000

CAV JUDGMENT

In this petition under Article 226 of the Constitution, the Sarpanch of Raningpara Gram Panchayat and the Sarpanches of 20 other villages have challenged the Government notification dated 31.12.1999 shifting these villages from Rajula taluka to Khambha taluka of

Amreli District.

2. In a separate judgment delivered today in Special Civil Application No. 10459 of 1999, this Court has already examined the legal contentions regarding the interpretation of the provisions of Section 7 of the Bombay Land Revenue Code, 1879 and Section 9 of the Gujarat Panchayats Act, 1993 and the contention about the application of the principle of audi alteram partem in such matters. For the reasons already recorded therein, this Court reiterates the view taken in the said decision that the village panchayat, members of the village panchayat or the residents of the village do not have any right to be heard before the State Government exercises its powers under the provisions of Section 7 of the Bombay Land Revenue Code for including a particular village in a particular taluka or to shift/exclude it from one taluka and to include it in another taluka.

3. Prior to reconstitution of the districts and talukas in October, 1997, the villages in question were in Rajula taluka. Upon bifurcation of Rajula taluka into Rajula taluka and Khambha taluka, the villages were placed in Rajula taluka. By the impugned notification dated 31.12.1999, the villages have been shifted from Rajula taluka to Khambha taluka.

4. Affidavit in reply has been filed by Ms Anju Sharma, IAS, Collector, Amreli. It is pointed out that upon reconstitution of the talukas on 15th October, 1997, there were 93 villages in Rajula taluka but the Khambha taluka had only 36 villages. After undertaking the exercise for reconstitution of the talukas, now the Rajula taluka has in all 72 villages and Khambha taluka has 57 villages by shifting the 21 villages in question from Rajula taluka to Khambha taluka. The allegation that the shifting has been done to separate the Patel community from Rajula taluka is denied. It is submitted that the shifting has been done only in view of the geographical location of the villages.

5. At the hearing of the petition, the learned Addl. Advocate General has also given particulars of the distance of the 21 villages in question from Rajula taluka headquarter and the distance from Khambha taluka headquarter.

Name of the village	Distance (in Kms.)
From Rajula	From Khambha

Sarakdia	22	7		
Raningpara			25	7
Kodiya	22		8	
Raydi			19	12
Pati			17	16
Jivapar			16	14
Jamka			25	15
Vangadhra			21	17
Nava Malknes			26	14
Dedan			22	11
Trakuda			18	15
Bhundani			18	17
Munjiyasar			20	14
Nigara-2			21	18
Barman Mota			17	20
Barman Nana			18	21
Samadhiyala-2			16	14
Navikatar			15	15
Nesdi-2			17	18
Gorana			14	19
Juna Malaknes			26	14

It is clear from the aforesaid chart also that the shifting of the villages from Rajula to Khambha taluka is not likely to cause any inconvenience. It is only in 4 cases that their distance from the taluka headquarters will increase but looking to the administrative requirements to make both the talukas viable for proper administrative control, no fault can be found with the impugned decision. The Court does not sit in appeal over the Government decisions in such matters.

6. The petition is, therefore, dismissed. Rule is discharged. There shall be no order as to costs.

(M.S. Shah, J.)

sundar/-